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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAN ROUVEN FUECHTENER,

Defendant.

Case No. 2:16-cr-00100-GMN-CWH

**GOVERNMENT'S RENEWED
MOTION TO EXCLUDE ALIBI
DEFENSE**

COMES NOW the United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and ELHAM ROOHANI and LISA CARTIER-GIROUX, Assistant United States Attorneys, and files this renewed motion to exclude any alibi defense.

On October 14, 2016, the United States filed a Motion-in-Limine to Exclude Alibi Defense (Doc. #98), requesting an order from the Court to exclude evidence or testimony to support an alibi defense. The defendant filed a Response to the Government's Motion to Exclude Alibi Defense (Doc. #107) on October 20, 2016. At the hearing on Monday, October 24, 2016, the Court denied the United States' Motion as not ripe for adjudication. While the

1 Court found that the October 11, 2016 detailed demand by the United States under Rule
2 12.1 was a complete and valid request, the Court calculated that the defendant had until
3 October 25, 2016 to respond to the demand. Doc. #118. As of the filing of this motion on
4 October 28, 2016, Defendant has not responded to the United States' demand.

5 The United States, therefore, renews its Motion to Exclude Alibi Defense, and
6 incorporates and re-alleges all the arguments made in the Motion filed on October 14, 2016
7 (Doc. #98). The United States respectfully requests that this Court exclude any evidence or
8 witness testimony to support an alibi defense.

9 Respectfully submitted this 28th day of October, 2016.

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11 DANIEL G. BOGDEN
12 United States Attorney

13 /s/

14 ELHAM ROOHANI
15 LISA CARTIER-GIROUX
16 Assistant United States Attorneys

17 **CERTIFICATE OF SERVICE**

18 I, ELHAM ROOHANI, certify that the following individual was served with a copy
19 of the GOVERNMENT'S RENEWED MOTION TO EXCLUDE ALIBI DEFENSE on this
date by the below identified method of service:

20 Electronic Case Filing

21 Jess R. Marchese, Esq.
22 Counsel for Defendant
23 601 Las Vegas Blvd. South
24 Las Vegas, NV 89101

1 DATED: October 28, 2016
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3

4 /s/
ELHAM ROOHANI
5 Assistant United States Attorney
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